



February 18, 2014

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## ENGROSSED SENATE BILL No. 335

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DIGEST OF SB 335 (Updated February 18, 2014 11:48 am - DI 109)

**Citations Affected:** IC 3-5; IC 10-19.

**Synopsis:** Emergency notification systems. Requires the executive director of the department of homeland security to develop and implement protocols concerning the use of severe weather warning sirens. Allows a volunteer firefighter serving as the executive, a member of the executive body, or a member of the legislative body or fiscal body of a county, city, town, or township (unit) on January 1, 2014, to serve one consecutive term in the same elected office of the unit and also serve as a volunteer firefighter for the unit.

**Effective:** July 1, 2014.

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### Waltz, Wyss

(HOUSE SPONSORS — FRYE R, MACER, ARNOLD L)

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January 14, 2014, read first time and referred to Committee on Local Government.  
January 23, 2014, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
January 30, 2014, amended, reported favorably — Do Pass.  
February 3, 2014, read second time, ordered engrossed. Engrossed.  
February 4, 2014, read third time, passed. Yeas 48, nays 0.

#### HOUSE ACTION

February 10, 2014, read first time and referred to Committee on Veterans Affairs and Public Safety.  
February 18, 2014, amended, reported — Do Pass.

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February 18, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED SENATE BILL No. 335

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-5-9-7, AS ADDED BY P.L.135-2012, SECTION  
2       1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3       2014]: Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter,  
4       ~~(1) a volunteer firefighter who assumes or holds an elected office~~  
5       ~~on January 1, 2013, may continue to hold the elected office and~~  
6       ~~serve as a volunteer firefighter; and~~  
7       (2) a government employee who assumes or holds an elected  
8       office on January 1, 2013, may continue to hold the elected office  
9       and be employed as a government employee  
10      until the term of the elected office that the ~~volunteer firefighter~~ or  
11      government employee is serving on January 1, 2013, expires.  
12      ~~(b) After the expiration of the term of the elected office that the~~  
13      ~~volunteer firefighter referred to in subsection (a) is serving on January~~  
14      ~~1, 2013, the volunteer firefighter is subject to section 4 of this chapter~~  
15      ~~with respect to serving as a volunteer firefighter and assuming or~~  
16      ~~holding an elected office of the unit that receives fire protection~~

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services from the department in which the volunteer firefighter serves.

(e) (b) After the expiration of the term of the elected office that the government employee referred to in subsection (a) is serving on January 1, 2013, the government employee is subject to section 5 of this chapter with respect to assuming or holding an elected office and being employed by the unit that employs the government employee.

SECTION 2. IC 3-5-9-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) This section applies only to a volunteer firefighter who assumes or holds an elected office on January 1, 2014. Notwithstanding section 4 of this chapter, a volunteer firefighter may continue to hold an elected office of a unit and serve as a volunteer firefighter of a department that provides fire protection services to the unit until the later of the following:**

(1) The date on which the term of the elected office that the volunteer firefighter is serving on January 1, 2014, expires.

(2) If the volunteer firefighter assumes or holds a term of the elected office consecutive to the term of the elected office that the volunteer firefighter assumes or holds on January 1, 2014, the date on which the one (1) consecutive term expires.

(b) After the expiration of the term of office described in subsection (a)(1) or (a)(2), the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives fire protection services from the department in which the volunteer firefighter serves.

(c) This section expires July 1, 2017.

SECTION 3. IC 10-19-3-3, AS AMENDED BY P.L.27-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.** The executive director shall do the following:

(1) Serve as the chief executive and administrative officer of the department.

(2) Serve as the director of the council.

(3) Administer the application for, and disbursement of, federal and state homeland security money for all Indiana state and local governments.

(4) Develop a single strategic plan for preparing and responding to homeland security emergencies in consultation with the council.

(5) Serve as the state coordinating officer under federal law for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery.



1 (6) Use and allocate the services, facilities, equipment, personnel,  
2 and resources of any state agency, on the governor's behalf, as is  
3 reasonably necessary in the preparation for, response to, or  
4 recovery from an emergency or disaster situation that threatens or  
5 has occurred in Indiana.

6 (7) Develop a plan to protect key state assets and public  
7 infrastructure from a disaster or terrorist attack.

8 **(8) Not later than July 1, 2015, develop and implement**  
9 **protocols for the appropriate and consistent usage of severe**  
10 **weather warning sirens (as defined in IC 36-8-21.5-8)**  
11 **throughout the state. The protocols shall include the**  
12 **following:**

13 (A) Operational guidelines for the use of severe weather  
14 warning sirens to signal severe weather.

15 (B) Public awareness education.

16 **This subdivision expires December 31, 2015.**



### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 335 as introduced.)

Committee Vote: Yeas 10, Nays 0

Senator Head, Chairperson

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### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 335 as printed January 24, 2014.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

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### COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-9-7, AS ADDED BY P.L. 135-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter,

(†) a volunteer firefighter who assumes or holds an elected office

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on January 1, 2013; may continue to hold the elected office and serve as a volunteer firefighter; and

(2) a government employee who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and be employed as a government employee until the term of the elected office that the volunteer firefighter or government employee is serving on January 1, 2013, expires.

(b) After the expiration of the term of the elected office that the volunteer firefighter referred to in subsection (a) is serving on January 1, 2013; the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives fire protection services from the department in which the volunteer firefighter serves.

(c) (b) After the expiration of the term of the elected office that the government employee referred to in subsection (a) is serving on January 1, 2013, the government employee is subject to section 5 of this chapter with respect to assuming or holding an elected office and being employed by the unit that employs the government employee.

SECTION 2. IC 3-5-9-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. (a) This section applies only to a volunteer firefighter who assumes or holds an elected office on January 1, 2014. Notwithstanding section 4 of this chapter, a volunteer firefighter may continue to hold an elected office of a unit and serve as a volunteer firefighter of a department that provides fire protection services to the unit until the later of the following:**

**(1) The date on which the term of the elected office that the volunteer firefighter is serving on January 1, 2014, expires.**

**(2) If the volunteer firefighter assumes or holds a term of the elected office consecutive to the term of the elected office that the volunteer firefighter assumes or holds on January 1, 2014, the date on which the one (1) consecutive term expires.**

**(b) After the expiration of the term of office described in subsection (a)(1) or (a)(2), the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives fire protection services from the department in which the volunteer firefighter serves.**



**(c) This section expires July 1, 2017."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 335 as printed January 31, 2014.)

FRYE R, Chair

Committee Vote: yeas 13, nays 0.

